

Attorney Docket No.: **WSTR-0014C**
Inventors: **Shiekhattar, Ramin**
Serial No.: **10/634,574**
Filing Date: **August 5, 2003**
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REMARKS

Claims 4-6 and 13 are pending in this application. While the Office Action Summary sheet indicates that claims 4-6 and 13 have been rejected, Applicant will follow the indications of the Detailed Action which states that claims 4-6 have been rejected and claim 13 has been allowed. Claims 4-6 have been canceled. No new matter has been added by these amendments to the claims. Applicant is respectfully requesting reconsideration in light of these amendments to the claims and the following remarks.

I. Withdrawn Claim Rejections

Applicant acknowledges the withdrawal of the rejection of claims 4-6 under 35 U.S.C. 112, second paragraph and the rejections under 35 U.S.C. 102(a) and 102(b) of claims 4, 5, and 13.

II. Rejection of Claims Under 35 U.S.C. 112

Claims 4-6 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner suggests that the teachings of the specification do not explicitly or implicitly provide support for the claims as currently presented. Applicant respectfully disagrees with this rejection. As clearly set forth in the specification, certain embodiments of the BRCC complex embrace certain combinations of proteins. However, in the interest of facilitating the prosecution of this application, Applicant has canceled claims 4-6 without prejudice, reserving the right to file continuing applications on the canceled subject matter. In

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light of this amendment, it is respectfully requested that this rejection be withdrawn.

III. Rejection of Claims Under 35 U.S.C. 102

Claim 5 has been rejected under 35 U.S.C. 102(b) as being anticipated by Pradier et al. ((1999) *J. Cancer Res. Clin. Oncol.* 125:20-27) as evidenced by Chen et al. ((1999) *Cancer Res.* 159:1752s-1756s).

Claim 6 has been rejected under 35 U.S.C. 102(b) as being anticipated by Blagosklonny et al. ((1995) *Cancer Res.* 55:4623-4626) as evidenced by Chen et al. ((1999) *Cancer Res. Suppl.* 159:1752s-1756s) as also evidenced by Saramaki et al. ((2006) *Nucl. Acids Res.* 34:543-554).

In light of the cancellation of claims 5 and 6 to advance the prosecution and allowance of claim 13, it is respectfully submitted that these rejections under 35 U.S.C. 102(b) are moot. It is therefore respectfully requested that these rejections be withdrawn.

IV. Allowable Subject Matter

Applicant acknowledges that claim 13 has been deemed free of the art and allowable.

V. Conclusion

Applicant believes that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

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favorable reconsideration and subsequent allowance of the pending claim is earnestly solicited.

Respectfully submitted,



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